

REMARKS

In the subject Office Action the Examiner withdrew Claims 1-14 from consideration as directed to a non-elected invention.

Amendments to the Specification paragraphs and one section heading submitted herein are to correct minor typographical errors. No new matter is added nor is the scope of the invention changed.

Claims 15-19 have been rejected under 35 U.S.C. § 112, ¶ 2, as being indefinite for not indicating how the game is to be played following the biased deal. Applicants have herein amended Claim 15 to confirm that the game is played according to conventional rules for the game, as will be further discussed below. It is submitted that this amendment avoids the § 112 rejection.

The Examiner has rejected Claims 15-19 under 35 U.S.C. § 102(b) as anticipated by the disclosure of Rodda et al., U.S. Pat. No. 5,368,305. It is the Examiner's contention that "a card game with a "modified deck (biased) that is played by multiple players with each receiving a hand" anticipates Applicants' claims. Applicants respectfully submit that the claims as amended herein are not anticipated by Rodda et al.

There are fundamental differences between Rodda et al.'s disclosure and Applicants' invention. Rodda et al. use a modified deck of cards to create a new game with unique rules. In a wholly different method, Applicants bias the deal from a conventional deck to improve the play of the game for the players, but otherwise play a conventional game with its conventional rules.

Rodda et al. have created a previously unknown game, one somewhat akin to blackjack (as the Examiner has recognized), but in which all 8s, 9s and 10s have been removed from the deck, so the game is played with a 40-card deck instead of a conventional 52-card deck, and in which a score of 7½ instead of 21 is the player's goal. Thus Rodda et al. does not disclose a "biased deal" for a conventional game but rather discloses a new and unique game played with a unique 40-card deck under rules created solely for that unique game by Rodda et al.

To the contrary, in Applicants' invention, conventional games (exemplified by five

card poker) are played by the players using a conventional 52-card deck and with conventional rules governing betting and play of the game. Applicants' invention is directed to making the conventional play of the game more interesting to the players by biasing the order of cards dealt from the conventional deck to insure that the value of each player's dealt hand is generally comparable in ranking to the other players' dealt hands. It is well known that when there are several players in a card game, unbiased dealing will normally result in some players being dealt high ranking hands and some being dealt low ranking hands. Frequently the disparity between the hand ranks is sufficiently great that all but one or two of the players drop out (fold) their low ranking hands immediately. This of course results in only a limited betting pool, which substantially lessens the interest in the game for all of the players, not only for those who dropped out early but also for the few who remain in to play for only a small pot.

Whereas Rodda et al. want to create an entirely new game, Applicants' invention seeks to raise players' interest in playing conventional games such as poker by biasing the deal of each hand to all players, so that the range of ranking difference between the hands dealt to the players is narrow. Since each player knows that the hand he/she has been dealt is reasonably "good" (i.e., its ranking is close to the rankings of the other players' hands) the player will be more likely to remain in the game and participate in successive rounds of betting, since each player feels that he/she has a reasonable chance of winning the game and capturing what will thus be a substantial betting pot.

Therefore Applicants' invention is entirely different from Rodda et al's disclosure. Applicants do not create a new game with new rules and a new deck of cards, as Rodda et al. disclose. To the contrary, Applicants bias the order of cards dealt from a conventional deck to improve each player's chances of getting a winning hand, and thus enhance the players' interest in playing conventional games with conventional cards decks and conventional rules. Applicants therefore respectfully submit that the Rodda et al. patent does not anticipate Applicants' claims under § 102(b) and the rejection has thus been avoided.

The new dependent Claims 20-25 have been added to further define the preferred

details of the biasing and game play which are defined in independent Claim 15. All elements in Claims 20-25 are found in the Specification, principally in paragraphs 0013-0020. No new matter is added by these claims nor is the scope of Claim 15 altered. Further, since the elements of Claims 20-25 are all dependent from Claim 15, all of those claims are also not anticipated by Rodda et al.

FEES

USE ONE OF THE FOLLOWING 4 PARAGRAPHS

It is not believed that any fees are due with respect to the amendment of the claims herein, other than the fee for claims in excess of 20 mentioned above. However, should any additional fees be due, the Patent and Trademark Office is authorized to charge all such fees to Deposit Account No. 50-1990.

CONCLUSION

In view of the above amendments and remarks, it is respectfully submitted that all grounds of rejection have been avoided and/or traversed. The Examiner is therefore respectfully requested to enter the amendments herein, reconsider and withdraw the rejections and objections and allow Claims 15-25, as amended, all claims in the case following amendment.

Should the Examiner believe that allowance of this application might be expedited by further discussion of the issues, a telephone call to the undersigned attorney at the contact telephone number listed below, is cordially invited.

Respectfully submitted,

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